

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 19287 OF 2007

DATED: 04-10-2007

Between:

Smt.Indira Patro W/o. P.C.Patro
And another

... Petitioners

And

The Sub Registrar, Anakapally
Registration and Stamps Department,
Visakhapatnam

... Respondent

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ORDER:

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In this writ petition, the petitioners seek for declaration by way of Mandamus to declare the action of the respondent in not considering the documents pertaining to the lands covered by Sy.Nos. 332/1, 332/3 and 333 of Cheepuripalli (East) Revenue village, situated in the panchayat limits of Muthyalammalem, Paravada Mandal, Visakhapatnam District for the purpose of registration as illegal and arbitrary.

The petitioners herein claimed that they are the absolute owners of the lands covered by Sy.No.332/1 to an extent of Ac.9.00, Sy.No.332/3 to an extent of Ac.45.55 cents and Sy.No.333 to an extent of 3.96 cents situated at Cheepurupalli East Revenue village in the panchayat limits of Muthyalammalem, Paravada Mandal, Visakhapatnam District. It is also their case that their names were entered as owners and possessors in the revenue records. When they wanted to sell their lands and submitted documents to the respondent

for registration and when the respondent refused to receive the same, the petitioners earlier approached this Court and filed writ petition in W.P.No.5784/07. While disposing of the said writ petition by order dated 30-03-2007, this Court directed the respondent to receive the documents presented by the petitioners and process the same in accordance with law. But, however, in this writ petition, it is the grievance of the petitioners that though the documents were received in compliance of the directions issued by this Court in the earlier writ petition, the same were not considered for registration and for release of the documents. It is the grievance of the petitioners that as much as the said lands are private patta lands, there is no reason or justification for not considering the same for registration and for release.

At the stage of admission, this Court has issued notice before admission and a counter affidavit is filed on behalf of the respondents.

Even in the counter affidavit, it is stated that when the respondent herein sought clarification with regard to the ownership of the lands by addressing the Tahsildar, Parwada, it was communicated by order dated 23-07-2007 stating that the aforesaid lands are private patta lands. It is further stated that there were some representations from the President of the Panchayat by name Mutyalu in which he has represented to the Sub-Registrar requesting not to register the documents disputing the ownership of the petitioners.

Even from the counter affidavit it appears that in spite of clarification given by the Tahsildar concerned to the effect that the lands, which are sought to be sold by documents are private patta lands, they are not taken up for registration. Even if a third party resisted by way of any representation, it is not for the Sub-Registrar to take the same into cognizance for the purpose of refusing for registration.

In that view of the matter, I do not find any valid ground for not registering the documents and I feel it just and proper to direct the respondent to consider the documents submitted for registration by the

petitioners, provided, if such documents are in conformity with the provisions of the Indian Stamp Act and Registration Act and release the documents in favour of the petitioners within a period of four (4) weeks from the date of receipt of a copy of this order.

Subject to the above directions, writ petition is disposed of. No costs.

R. SUBHASH REDDY, J.

Dt: 04-10-2007

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**THE HONOURABLE SRI JUSTICE R. SUBHASH
REDDY**

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Dated: 04-10-2007

RNS